

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PN/59**

<b><u>Applicant</u></b>	: Mingle Farmland Limited
<b><u>Site</u></b>	: Lots 11 (Part), 12 (Part) and 13 (Part) in D.D.135 and adjoining Government Land, Sheung Pak Nai, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 3,524m <sup>2</sup> (including Government Land (GL) of about 125m <sup>2</sup> )
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9
<b><u>Zoning</u></b>	: “Coastal Protection Area” (“CPA”)
<b><u>Application</u></b>	: Temporary Education / Holiday Camp for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary education / holiday camp for a period of 3 years. The Site falls within an area zoned “Coastal Protection Area” (“CPA”) on the Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9 (**Plan A-1a**). According to the Notes of the OZP for “CPA” zone, ‘holiday camp’ and ‘education centre’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 Part of the Site is related to 2 previous applications (No. A/YL-PN/49 and 53) for temporary place of recreation, sports or culture use. The last application (No. A/YL-PN/53) was rejected by the Rural and New Town Planning Committee (the Committee) on 18.5.2018.
- 1.3 The development comprises 20 structures, including eight caravans, eight inflatable tents and four temporary structures for storage, reception and electricity meter room uses with total floor area of about 1,047.08 m<sup>2</sup> and building height of one storey (not more than 3.5 m) (**Drawing A-1**). The Site is accessible via local tracks leading to Nim Wan Road (**Plans A-2 and A-3**). There is one light goods vehicle loading/unloading bay at the Site. The applied use will operate 24 hours daily including public holidays. A maximum of 30 guests is allowed within the Site, including overnight accommodation. There will be 5 staff working at the

Site. There is provision of toilet facilities within the caravan and guests using the inflatable tents will use the public toilet nearby. The applicant proposes to use a septic tank to collect the sewage. According to the applicant, there will not be any excavation, land/pond filling and tree felling works. The applicant also proposes to have guided tours to the nearby mudflats once a week for 30 persons each tour. The layout plan and sewerage plan submitted by the applicant are shown at **Drawings A-1 and A-2.**

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form and attachments received on 6.1.2020 (Appendix I)
  - (b) Further information (FI) received on 24.2.2020 clarifying number of guests and responding to departmental comments with a revised layout plan (*accepted but not exempted from publication requirements*) (Appendix Ia)
  - (c) FI received on 13.3.2020 clarifying the type of vehicle using the loading/unloading bay (*accepted and exempted from publication requirements*) (Appendix Ib)
  - (d) FI received on 15.4.2020 responding to EPD's comment and providing a sewerage proposal (*accepted and exempted from publication requirements*) (Appendix Ic)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in part 7 of the Application Form in **Appendix I**. They can be summarized as follows:

- (a) The applied use does not involve land filling, pond filling nor excavation works, and the proposed caravans and inflatable tents are temporary structures.
- (b) The applicant will organize education activities to promote nature conservation and protection of country and marine parks and also to promote biodiversity. These education activities include guided tours, exhibition, workshop, school talks and beach cleaning.
- (c) The holiday camp and the nearby fishing ground are suitable for watching the beautiful sunset in Pak Nai.
- (d) There is electricity and water supply to the holiday camp. There is a cesspool to collect the sewage at the Site. There is no environmental impact to the surrounding area.
- (e) The applicant will place fire extinguishers in suitable places at the holiday camp to ensure fire safety.
- (f) The applicant is willing to apply short term waiver with the Lands Department for not more than 3 years.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice in a prominent position on the Site and sending notice to Ha Tsuen Rural Committee. For the adjoining Government land, TPB PG-No. 31A is not applicable. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is subject to planning enforcement action (No. E/YL-PN/55) against an unauthorized development (UD) involving recreation use (including use for holiday camp). Enforcement Notice (EN) was issued on 3.9.2019 requiring discontinuation of the UD. As subsequent site inspection revealed that the Site has not been discontinued upon expiry of the EN, prosecution action may be followed.

### **5. Previous Applications**

5.1 The Site is subject to two previous applications (No. A/YL-PN/49 and 53). Details of the previous applications are summarized at **Appendix II**. Their locations are shown on **Plans A-1a** and **A-1b**.

5.2 Application No. A/YL-PN/49 (covering part of the Site and the land at its west with an area of about 5,000m<sup>2</sup>) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years was rejected by the Committee on 24.11.2017. The development proposal involves 9 temporary structures and only 30% of the area was proposed for farming activities. It was rejected on grounds of not in line with the planning intention of the “CPA” zone and setting an undesirable precedent.

5.3 Application No. A/YL-PN/53 (covering part of the Site and the land at its west with an area of about 3,900m<sup>2</sup>) for proposed temporary place of recreation, sports or culture (fishing ground) for a period of 3 years was rejected by the Committee on 18.5.2018. The development proposal involves construction of a new fish pond and provision of 5 temporary structures. It was rejected on grounds of not in line with the planning intention of the “CPA” zone and adverse environmental impact.

### **6. Similar Application**

There is no similar application within the same “CPA” zone on the OZP.

### **7. The Site and Its Surrounding Areas (Plans A-1a to A-4c)**

7.1 The Site is:

- (a) currently partly hard paved with gravel and used for the applied use without valid planning permission; and

- (b) accessible through local tracks leading to Nim Wan Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3a**):

- (a) to the immediate east is an orchard and fish ponds;
- (b) to the immediate south is a fishing ground (approved Application No. A/YL-PN/50);
- (c) to the west is vacant land and shrubland. To the further west is the coastal area of Deep Bay and Pak Nai Site of Special Scientific Interest (SSSI); and
- (d) to the immediate north is a fishing ground (approved Application No. A/YL-PN/57).

## **8. Planning Intention**

The “CPA” zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.

## **9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contain the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission is given for occupation of Government Land (GL) (about 125m<sup>2</sup> subject to verification) included in the Site. The applicant’s attention is drawn to the fact that the act of occupation of GL without Government’s prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017.

- (c) Should planning approval be given to the application, the lot owner(s) of the lot without any Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on the Site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) The applicant shall remind visitors to use public transport services for accessing the Site.

#### 9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) :

- (a) The access arrangement should be commented by the Transport Department.
- (b) If the proposed access arrangement is agreed by TD, a proper run-in/out or road connection to Nim Wan Road should be constructed to the satisfaction of TD and HyD.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

### **Environment and Sewerage**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant seeks planning permission for temporary education / holiday camp for a period of 3 years at the Site which falls within an area zoned "CPA" on the approved Sheung Pak Nai and Ha Pak Nai OZP. The applicant has not fully addressed his concerns from water quality perspective. The Site falls within the "CPA" zone with an active pond adjacent to the Site. Discharge, if any, would also fall within Deep Bay catchment area where the assimilative capacity is limited. Careful considerations shall be

taken into account with adequate mitigation measures to minimize adverse water quality impact.

- (b) In particular, the applicant proposed no discharge on site with wastewater collected by tankers. However, the applicant has not estimated the quantity of wastewater generated and it is uncertain whether the proposed 1.5m<sup>3</sup> cesspool is adequate.
- (c) Improper design of cesspool could result in overflow, leakage and odour emission. There is currently inadequate information to demonstrate that the cesspool would not result in adverse environmental impact. In addition, the provision of cesspool is likely to be underground which will involve excavation of land as opposed to the information in the planning application. The applicant should also provide information supporting the claim that “the sewage flows into cesspool with regular cleaning from cleaning company which is certified by EPD”.
- (d) The subject development is largely outdoor with open parking, and activities such as barbeque. The potential contaminated surface runoff should be controlled and properly handled. The conceptual drainage plan submitted is insufficient to demonstrate that the proposed activities would not adversely affect the environment.
- (e) In this regard, he could not lend his support to the application at this stage.

### **Natural Conservation**

#### 9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) It is noted that the Site is zoned as “CPA” on the approved Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/9. It is not far away from the Pak Nai SSSI. The Site was involved in a previous case of suspected unauthorized landfilling activities in July 2016. Site inspection in December 2016 revealed that the Site was partially-paved at that time likely for the proposed hobby farm use in the previous planning application. As indicated in the application, the current use of the Site is glamping, which appears to be an unauthorized use without obtaining planning approval from the Board.
- (b) Based on the layout plan provided by the applicant, a total of 20 structures, including eight caravans, eight inflatable tents and four other temporary structures for storage, reception and electricity metre room, will be placed at the Site.
- (c) Although the applicant claimed that the education activities organized will promote nature conservation, it seems that guided tours will be arranged to the coastal mudflat and mangrove areas. The applicant should clarify if the proposed education and

camping activities, including guided tours, will cause disturbance to the coastal area. The applicant also proposed that visitors can enjoy sunset from the inflatable tents in the Site. To his understanding, the Site is screened from the coast by some trees and vegetation. The applicant should clarify if any works will be conducted (e.g. tree felling) in order to clear the sightline from the Site to the coast.

- (d) It is noted that no toilet nor sewage collection facilities are proposed in the Site. Although the applicant claimed that sewage from the Site will be collected by cleansing company regularly, the applicant should clarify how the sewage from the visitors will be treated and if the proposed education and camping activities would cause sewage/water pollution to the nearby coastal area.
- (e) The applicant should also clarify whether the proposed education and camping activities would cause potential off-site impacts to the nearby fish ponds (e.g. surface runoff / disturbance from visitors' activities), and what preventive measures are in place to avoid such off-site impacts.

### **Urban Design and Visual Impact**

#### 9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site falls within "CPA" zone on the OZP. The Site is located to the south of Deep Bay and accessible to Nim Wan Road via a local track to the south of the Site. It is surrounded by fishing grounds to its north and south with temporary structures scattered afield.
- (b) The proposed temporary education/holiday camp includes 8 caravans, 8 inflatable tents and 4 temporary structures for storage, reception and electric meter room uses. Although no visual materials have been submitted, given that the proposed education/holiday camp is 'temporary' in nature i.e. for a period of 3 years and its adjacent areas are occupied by some existing temporary structures, it is anticipated that the applied use with its building height at around 3m would not cause any adverse visual impact.

### **Landscape**

#### 9.1.7 Comments of the CTP/UD&L, PlanD:

- (a) The Site, located to the east of Pak Nai SSSI, lies in an area zoned "CPA". The Site is partly subject to last rejected application No. A/YL-PN/49 for temporary hobby farm use to which he had reservations from landscape planning perspective. The current applicant seeks planning approval for temporary education and holiday camp use for a period of 3 years.

- (b) With reference to site photos and aerial photo taken in 2018, it is observed that the Site is formed and partly hard paved. No existing tree is identified within the Site. Caravans and temporary structures are found generally along the north-eastern site boundary. The applied use is already in operation. Fish ponds are found to the immediate north, northeast and southeast of the Site. The Site is situated in an area of rural coastal plain landscape character predominated by mangroves, fish ponds and cultivated land. The large extent of hard paved area within the Site is not compatible with the surrounding environment.
- (c) When comparing the aerial photos taken in 2016 (**Plan A-3b**) with the latest site photos, the vegetated area within the Site has been cleared, and site formation work and construction of temporary structures have taken place over the years. Approval of the application would set an undesirable precedent to encourage other similar applications to carry out vegetation clearance and form the site prior to obtaining planning permission. The cumulative effect of which would result in a general degradation of the rural coastal plain landscape character of the area.
- (d) Based on the above, he has reservations on the application from landscape planning perspective.

### **Drainage**

#### 9.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) The Site is at relatively low-lying area next to the coastline. The applicant should prepare himself/herself against possible seawater intrusion due to tidal effect and storm surge.
- (b) Despite the above, he has no objection in principle to the application from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

### **Fire Safety**

#### 9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should

be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of the proposed FSIs to be installed should be clearly marked on the layout plans.

- (c) The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or licence is required under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively.

### **Building Matters**

#### 9.1.10 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (c) Before any new building works (including containers / open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.
- (f) If the proposed use under application is subject to issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

### **Licencing**

9.1.11 Comments of the Chief Officer (Licencing Authority), Office of the Licensing Authority, Home Affairs Department (CO(LA), OLA, HAD):

- (a) For the temporary caravan holiday camp with provision of short-term sleeping accommodation at a fee, a guesthouse licence under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the “HAGAO”) must be obtained before operation.
- (b) No licence application for the operation of a caravan holiday camp at the Site was received by the OLA.
- (c) Applicant is strongly advised to observe the “General Licensing Conditions for Caravan Camp Site providing short-term sleeping accommodation” and “A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the HAGAO” (“the Guide”) available in the website of the OLA. Particular attention should be drawn to the requirements of site location as set out in the Guide.
- (d) Detailed licensing requirements will be formulated upon receipt of application under the HAGAO.
- (e) Notwithstanding of the above, site inspection by the staff of his office revealed that numerous standalone caravan-like structures with supporting facilities including underground drainage/sewerage system have been erected on the Site. The situation has also been referred to BD, LandsD and PlanD for any follow-up actions.

### **Others**

9.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department’s (FEHD) facilities will be affected and such work/operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings.
- (b) For any waste generated from such activity/operation, the applicant should arrange disposal properly at her own expenses.
- (c) Proper licence/permit issued by his department is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

### **District Officer’s Comments**

9.1.13 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any comment from the locals on the application and he has no comment from departmental point of view.

9.2 The following government departments have no comment on the application:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Antiquities and Monuments Office, Development Bureau (AMO, DEVB);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (e) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (f) Director of Leisure and Cultural Services (DLCS); and
- (g) Commissioner of Police (C of P).

## **10. Public Comments Received During the Statutory Publication Period**

On 14.1.2020 and 13.3.2020, the application was published for public inspection. During the statutory public inspection periods, 58 public comments were received from Kadoorie Farm and Botanic Garden (KFBG), Hong Kong Bird Watching Society (HKBWS), World Wide Fund (WWF), Designing Hong Kong, TrailWatch and individuals objecting to the application (**Appendix III**). The main objecting reasons are summarized below:

- (a) the applied use is not in line with the planning intention of the “CPA” zone;
- (b) the Board should not encourage “Destroy First, Develop Later” developments;
- (c) no previous approval had been granted for the Site;
- (d) the Site is close to the “Inner Deep Bay and Shenzhen River Catchment Important Bird Area”, which is recognized by the Birdlife International. There may be potential adverse effects on migratory birds and their habitats;
- (e) the applied use has adverse sewerage and ecological impacts on the nearby watercourse and natural habitats; and
- (f) approval of the application would set an undesirable precedent for similar applications and cumulative effect of which would result in general degradation of the environment of the area.

## **11. Planning Considerations and Assessments**

11.1 The applicant seeks planning permission for temporary education/holiday camp for a period of 3 years at the Site within “CPA” zone, which is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted. The applied use, covering an area of about 3,500m<sup>2</sup> and involving the provision of 20

structures including eight caravans and eight inflatable tents for overnight accommodation of 30 guests as well as four temporary structures for ancillary uses (such as storage, reception and electricity meter room), is considered not in line with the planning intention of the “CPA” zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

- 11.2 The Site is situated in an area of rural coastal plain landscape character predominated by mangroves, fish ponds and cultivated land. The large extent of hard paved area within the Site is not compatible with the surrounding environment. CTP/UD&L, PlanD has reservation on the application from the landscape planning perspective as the vegetated area within the Site has been cleared, and site formation work and construction of temporary structures have taken place over the years. Approval of the application would set an undesirable precedent to encourage other similar applications to carry out vegetation clearance and form the site prior to obtaining planning permission. The cumulative effect of which would result in a general degradation of the rural coastal plain landscape character of the area.
- 11.3 Deep Bay and the Pak Nai SSSI are located about 250m to the west of the Site in the coastal area and there are also some existing fish ponds nearby. DAFC raised concerns over the potential disturbance and sewage/water pollution caused by the holiday camp and associated guided tours to the coastal area and nearby fish ponds and queried what preventive measures are proposed to avoid such off-site impacts. The applicant has yet to address DAFC’s concerns. In this regard, the applicant fails to demonstrate that the applied use would not have adverse ecological impact on the surrounding areas.
- 11.4 DEP does not support the application from environmental point of view. DEP raised concerns over the potential water quality impact to the Deep Bay area, the quantity of the waste water to be generated and the details of the proposed cesspool, and the conceptual drainage plan. The applicant has yet to address DEP’s concerns. In this regard, the applicant fails to demonstrate the applied use would not have adverse environmental impact to the surroundings.
- 11.5 Other relevant departments, including C for T, CE/MN, DSD and D of FS, have no objection to/adverse comment on the application.
- 11.6 The Committee rejected two previous applications (No. A/YL-PN/49 and 53) for hobby farm and fishing ground uses respectively on a slightly larger site. No approval for similar holiday camp use has been granted by the Committee within the same “CPA” zone. The Site is currently used as a holiday camp without valid planning permission and subject to active enforcement action. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “CPA” zone.
- 11.7 58 public comments were received objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant.

## 12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department does not support the temporary education/holiday camp for a period of 3 years for the following reasons:

- (a) the applied use is not in line with the planning intention of the “CPA” zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the applied use would not generate adverse ecological and environmental impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “CPA” zone, the cumulative effect of which will result in a general degradation of the rural environment.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 24.4.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no more than 8 caravans and 8 inflatable tents, as proposed by the applicant, are allowed to be provided on-site at any time during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
- (c) the submission of drainage proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.10.2020;
- (d) in relation to (c) above, the implementation of drainage proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.1.2021;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of fire service installations proposals within **6 months** from the date of the planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 24.10.2020;

- (g) in relation to (f) above, the provision of fire service installations within **9 months** from the date of the planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **24.1.2021**;
- (h) if any of the above planning conditions (a), (b) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (f) or (g) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

*Advisory clauses*

The recommended advisory clauses are at **Appendix IV**.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

**14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 6.1.2020
<b>Appendix Ia</b>	FI received on 24.2.2020
<b>Appendix Ib</b>	FI received on 13.3.2020
<b>Appendix Ic</b>	FI received on 15.4.2020
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Sewerage Plan
<b>Plans A-1a and A-1b</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a and 3b</b>	Aerial Photos
<b>Plans A-4a to 4c</b>	Site Photos